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dba Tulare Regional Medical Center

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE
DISTRICT, dba TULARE
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897
Address: 869 N. Cherry St.
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-37

Date: May 17, 2018

Time: 9:30 a.m.

Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13

Judge: Honorable René Lastreto II

**MOTION FOR ORDER EXTENDING TIME TO ASSUME OR REJECT
NONRESIDENTIAL REAL PROPERTY LEASES**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

TULARE LOCAL HEALTHCARE DISTRICT, dba TULARE REGIONAL
MEDICAL CENTER ("TRMC" and/or "Debtor") hereby files this Motion for Order
Extending Time to Assume or Reject Nonresidential Real Property Leases which seeks
an order pursuant to 11 U.S.C. §§ 901 and 365(d)(4) extending time for the Debtor to
assume or reject a nonresidential real property leases.

This Motion is based on the Motion and Exhibits thereto, the Notice of Hearing on
the Motion, the Memorandum of Points and Authorities, the Declaration of Sanford

1 Haskins in Support of the Motion, the files, pleadings and orders on file in this Chapter 9
2 case, and such other and further evidence as made properly before the Court.

3 TRMC respectfully requests that this Court enter an order pursuant to 11 U.S.C.
4 §§ 901 and 365(d)(4) as follows:

5 1. TRMC is the Debtor in the above-captioned Chapter 9 case, which was filed
6 on September 30, 2017 ("Petition Date").

7 2. This Court has jurisdiction over this Motion pursuant to 28 U.S. C. §§ 157 and
8 1334. Venue is proper before this Court pursuant to 28 U.S. C. §§ 1408 and 1409. This
9 matter is a core proceeding to 28 U.S.C. §157(b)(2).

10 1. TRMC represents as follows:

11 a. TRMC's assets include the following unexpired leases for nonresidential
12 real property:

13 i. Lease between TRMC and Heiskell Ranches, LP for 880 E. Merritt,
14 Suites 105-106, Tulare , California ("Family X-Ray Center Lease");

15 ii. Lease between TRMC and Heiskell Ranches, LP for 880 E. Merritt,
16 Suites 107-109, Tulare , California ("Mineral Kings Toxicology
17 Lease"); and

18 iii. Lease between TRMC and City of Tulare for 325 N. West St.,
19 Tulare, California ("Westside Clinic Lease");

20 (collectively, "Unexpired NRRP Leases").

21 b. TRMC has not yet determined the precise course this Chapter 9 case will
22 take with respect the operations concerning the Unexpired NRRP Leases.

23 c. The Family X-Ray Center Lease and Mineral King Toxicology Lease
24 ("Heiskell Leases") have the same Lessor, Heiskell Ranches, LP
25 ("Heiskell"). TRMC was current on the Heiskell Leases as of the Petition
26 Date, but lease payments have not been made since. As described more
27 fully in the Memorandum of Points and Authorities, TRMC is currently in
28

1 discussions with Heiskell to regarding payment of post-petition amounts.

2 The Heiskell Leases will expire in February 2019.

3 d. The Westside Clinic Lease is a 25 year lease which will expire in 2036.

4 This lease was paid in full in 2012. As more fully described in the
5 Memorandum of Points and Authorities, TRMC is currently working
6 through feasibility issues relating to the operation of this clinic. Until a
7 determination regarding feasibility is made, TRMC cannot determine
8 whether the Unexpired NRRP Leases will be assumed or will be rejected.

9 e. TRMC therefore seeks a sixty day (60) extension of the deadline to
10 assume or reject the Unexpired NRRP Leases.

11 WHEREFORE, the Debtor prays that the Court extend the time fixed by 11
12 U.S.C. § 365(d)(4)(A)(i) of the Bankruptcy Code which provides that an unexpired lease
13 of nonresidential real property shall be deemed rejected if the Debtor does not assume
14 the lease within the 120-day period and extend the period pursuant to
15 § 365(d)(4)(B)(i), where the court may, prior to the expiration of the 120-day period,
16 extend the deadline for sixty (60) days. Debtor requests that the deadline to assume
17 the nonresidential property lease be extended from May 29, 2018, until July 28, 2018,
18 and that the Debtor have such other further relief as is just and proper.

19 Dated: April 30, 2018

20 WALTER WILHELM LAW GROUP,
a Professional Corporation

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22 By: Riley C. Walter

Riley C. Walter, Attorneys for
23 Tulare Local Healthcare District, dba Tulare
24 Regional Medical Center
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